

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DWAYNE DARRELL BOWENS, SR.,

Plaintiff,

DECISION AND ORDER

07-CV-6460L

v.

LIGHTNIN,

Defendant.

By Order to Show Cause filed January 19, 2008 (Dkt. #19), counsel for plaintiff Dwayne Darrell Bowens, Sr. ("Bowens"), moved to withdraw as counsel. On the return date, January 24, 2008, Bowens did not appear but his attorney did. Based on the pleadings and having heard counsel for plaintiff, it is hereby ORDERED that the motion to withdraw as attorney is granted.


There is still a balance due plaintiff's counsel pursuant to the agreement between counsel and Bowens, and that should be paid. Counsel will retain a lien on any recovery resulting from this action to pay the balance of the agreed-upon retainer.

Plaintiff's counsel must cooperate now in providing the file to new counsel or to Bowens so that this action may be prosecuted.

The plaintiff, Bowens, is advised that it is his obligation to obtain new counsel or to proceed to handle the case, *pro se*, that is, representing yourself. The Court will give plaintiff thirty (30) days

within which to obtain new counsel and have that counsel file a Notice of Appearance or, plaintiff must advise the Court, in writing, that he intends to handle the case *pro se*. Failure to comply with this order could constitute failure to prosecute the action and the case could be dismissed for such a failure.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
January 28, 2008.